

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 06-4606

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JAMES DOUGLAS CLAUSELL,

Petitioner,

v.

LYDELL SHERRER; THE ATTORNEY GENERAL OF THE STATE OF NEW  
JERSEY, ANNE MILGRAM\*,

Respondents.

(\*Anne Milgram is substituted for her predecessor, Stuart Rabner, as Attorney General of  
the State of New Jersey, pursuant to Fed. R. App. P. 43(c)(2).)

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Appeal from the United States District Court  
for the District of New Jersey  
(No. 04-cv-03857)  
District Court Judge: Honorable Noel L. Hillman

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Submitted Under Third Circuit L.A.R. 34.1(a)  
November 9, 2009

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Before: AMBRO, GARTH and ROTH, Circuit Judges.

(Opinion Filed: February 5, 2010)

**ORDER AMENDING CONCURRING OPINION**

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Concurring Opinion in the above case filed

February 5, 2010, be amended as follows:

On page 18, first paragraph, third line, replace “n.5” with “n.6”.

On page 18, second paragraph, second line, replace “*id.* at 10 n.6” with “*id.*”.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: March 23, 2010

PDB/cc: All Counsel of Record